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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES DEAN LEAVITT,
Plaintiff,

vs.

STATE OF NEVADA *ex. rel.* BOARD OF
REGENTS OF THE NEVADA SYSTEM OF
HIGHER EDUCATION; KERI
NIKOLAJEWSKI; SHERRY OLSON;
PATRICK CARTER; CATHY McADOO;
BYRON BROOKS; MELODY ROSE;
JOSEPH REYNOLDS; CRYSTAL ABBA;
CAROL DEL CARLO; JOHN MORAN;
JOSEPH SUNBURY; JAMES MARTINES;
and DOES 1 through 10,
Defendants.

CASE NO. 2:24-CV-00260-CDS-NJK

**STIPULATION AND ORDER TO
EXTEND TIME FOR DEFENDANTS
TO FILE AN ANSWER OR OTHER
RESPONSIVE PLEADING
(First Request)**

Defendants, the State of Nevada *ex rel.* Board of Regents of the Nevada System of Higher Education (“NSHE”), Crystal Abba, Byron Brooks, Carol Del Carlo, Patrick Carter, James Martines, Cathy McAdoo, John Moran, Keri Nikolajewski, Sherry Olson, Joseph Reynolds, Melody Rose, and Joseph Sunbury (collectively, “Defendants”), by and through their counsel Lynda P. King, Esq., Associate General Counsel for the Nevada System of Higher Education; and Michael P. Balaban, Esq. of the Law Offices of Michael P. Balaban, counsel for Plaintiff, James Dean Leavitt, hereby stipulate as follows:

- 1 1. On November 23, 2023, Plaintiff filed his First Amended Complaint for Damages (“First
2 Amended Complaint”) in the Eighth Judicial District Court, Case No. A-23-881329-C
3 (“State Court Action”) [ECF No. 1, EX. A, 001 – 023];
- 4 2. On February 6, 2024, Lynda P. King, counsel for Defendants filed a Notice of Removal of
5 Action Pursuant to 28 U.S.C. §1441- Federal Question [ECF No. 1];
- 6 3. Pursuant to Fed. R. Civ. P. 81, Defendants’ deadline to file an answer or other responsive
7 pleading is February 26, 2024;
- 8 4. On February 22, 2024, counsel for Plaintiff, after discussion with counsel for Defendants,
9 agreed to voluntarily dismiss four of the named Defendants in this action; namely, Crystal
10 Abba, James, Martines, Joseph Reynolds and Melody Rose;
- 11 5. Counsel for Defendants and counsel for Plaintiff will simultaneously submit a Stipulation and
12 Order to Voluntarily Dismiss the four Defendants from this matter along with this Stipulation
13 and Order to Extend Time for this Court’s review and consideration;
- 14 6. Given the passage of time as counsel for the parties worked to negotiate the dismissal of certain
15 named Defendants, they have agreed and stipulate to a 30 day extension of time, until March
16 27, 2024, for the remaining Defendants, Board of Regents of the Nevada System of Higher
17 Education, Byron Brooks, Carol Del Carlo, Patrick Carter, Cathy McAdoo, John Moran,
18 Keri Nikolajewski, Sherry Olson, and Joseph Sunbury, to answer or otherwise file a
19 responsive pleading to Plaintiff’s First Amended Complaint;
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7. This is the first request for extension of time for Defendants to file an answer or other responsive pleading to Plaintiff's First Amended Complaint.

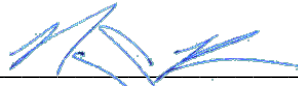
<p>DATED: February 23, 2024</p> <p>NEVADA SYSTEM OF HIGHER EDUCATION</p> <p><u>/s/ Lynda P. King</u></p> <p>LYNDA P. KING</p> <p>Associate General Counsel</p> <p>Nevada Bar No. 7047</p> <p>4300 S. Maryland Pkwy.</p> <p>Las Vegas, Nevada 89119</p> <p>Telephone: (702) 889-8426</p> <p><i>Attorney for Defendants</i></p>	<p>DATED: February 23, 2024.</p> <p>LAW OFFICES OF MICHAEL P. BALABAN</p> <p><u>/s/ Michael P. Balaban</u></p> <p>MICHAEL P. BALABAN</p> <p>State Bar No. 9370</p> <p>10726 Del Rudini Street</p> <p>Las Vegas, Nevada 89141</p> <p>Telephone No.: (702) 586-2964</p> <p>Fax: (702) 586-3023</p> <p><i>Attorney for Plaintiff</i></p>
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IT IS SO ORDERED.

Dated: February 26, 2024

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Nancy J. Koppe
United States Magistrate Judge

Respectfully submitted:

NEVADA SYSTEM OF HIGHER EDUCATION

/s/ Lynda P. King

LYNDA P. KING

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